

members of the community in April 1990, and published the Community Relations Plan for the Site in June 1990. EPA also established a mailing list for distribution of fact sheets and other information updating Site activities. An information repository, which included the administrative record for the Site, was established at the Wallowa County Planning Department to make information about the Site available for public review. EPA attended Enterprise City Council meetings during the investigation and cleanup to provide updates on planning and construction activities.

A public comment period was held from August 17, 1992 to September 16, 1992 on EPA's proposed remedial action and other alternatives. No comments were received and no public hearings were requested.

A copy of the Deletion Docket can be reviewed by the public at the Wallowa County Planning Department, or the EPA Region 10 Superfund Records Center. The Deletion Docket includes this Notice, the Removal Action Memos, the ROD, Remedial Action Construction Report, and Final Site Close-Out Report. EPA Region 10 will also announce the availability of the Deletion Docket for public review in a local newspaper and informational fact sheet.

One of the three criteria for deletion specifies that EPA may delete a site from the NPL if "all appropriate Fund-financed responses under CERCLA have been implemented, and no further action by responsible parties is appropriate." EPA, with the concurrence of ODEQ, believes that this criterion for deletion has been met. Soil and groundwater data from the Site confirm that the ROD cleanup goals have been achieved. There is no significant threat to human health or the environment and, therefore, no further remedial action is necessary.

Consequently, EPA is proposing deletion of this Site from the NPL. Documents supporting this action are available in the docket at the information repositories.

Dated: August 24, 1999.

Charles E. Findley,
Acting Regional Administrator, Region 10.
[FR Doc. 99-22632 Filed 8-30-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-6430-9]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete McCarty's/Pacific Hide and Fur Site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA), Region 10, announces its intent to delete the McCarty's/Pacific Hide and Fur Site in Pocatello, Idaho from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Idaho Division of Environmental Quality (IDEQ) have determined that the Site poses no significant threat to public health or the environment and, therefore, further remedial measures pursuant to CERCLA are not appropriate.

DATES: Comments concerning this Site may be submitted on or before September 30, 1999.

ADDRESSES: Comments may be mailed to Beverly Gaines, Environmental Protection Agency, 1200 Sixth Avenue, Mail Stop ECL-110, Seattle, Washington 98101.

Comprehensive information on this Site is available through the Region 10 public docket which is available for viewing at the McCarty's/Pacific Hide and Fur Site information repositories at the following locations:

Pocatello Public Library, 812 E. Clark Street, Pocatello, Idaho 83201; or United States Environmental Protection Agency, Region 10 Office of Environmental Cleanup—Records Center, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Beverly Gaines, U.S. EPA Region 10, 1200 Sixth Avenue, Mail Stop ECL-110, Seattle, Washington 98101, (206) 553-1066.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The Environmental Protection Agency (EPA), Region 10 announces its intent to delete a site from the National Priorities List (NPL), appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, and requests comments to this deletion. EPA identifies sites on the NPL that appear to present a significant risk to human health or the environment. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such actions.

EPA plans to delete the McCarty's/Pacific Hide and Fur Site ("Site") at 3575 Highway 30 West, Pocatello Idaho, 83201, from the NPL.

EPA will accept comments on the plan to delete this Site for thirty days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the McCarty's/Pacific Hide and Fur Site and explains how the Site meets deletion criteria.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that "releases" (sites) may be deleted from, or recategorized on, the NPL where no further response is appropriate. In making a determination to delete a site from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

- (i) Responsible parties or other parties have implemented all appropriate response actions required;
- (ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further action by responsible parties is appropriate, or
- (iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Even if a site is deleted from the NPL, where hazardous substances, pollutants or contaminants remain at the site *above* levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action

at the site to ensure that the site remains protective of public health and the environment. In the case of the McCarty's/Pacific Hide and Fur Site, no hazardous substances were left onsite, making "unlimited use and unrestricted exposure" possible. Therefore, the five-year review requirement of section 121 (c) of SARA is not applicable. If, however, new information becomes available that indicates a need for further action, EPA may require remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the Hazard Ranking System.

III. Deletion Procedures

The following procedures were used for the intended deletion of this Site: (1) EPA Region 10 issued a final close out report documenting the achievement of cleanup goals; (2) the Idaho Division of Environmental Quality (IDEQ) concurred with the proposed deletion decision; (3) a notice has been published in the local newspaper and has been distributed to appropriate federal, state, and local officials and other interested parties announcing the commencement of a 30-day public comment period on EPA's Notice of Intent to Delete; and (4) all relevant documents have been made available for public review in the local Site information repository.

Deletion of the Site from the NPL does not itself, create, alter or revoke any individual rights or obligations. The NPL is designed primarily for information purposes to assist EPA management. As mentioned in section II of this document, 40 CFR 300.425(e)(3) states that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

EPA's Regional Office will accept and evaluate public comments on EPA's Notice of Intent to Delete before making a final decision. The Agency will prepare a Responsiveness Summary if any significant public comments are received.

A deletion occurs when the Regional Administrator places a final notice in the **Federal Register**. Generally, the NPL will reflect deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary will be made available to local residents by EPA's Regional Office in Seattle, Washington.

IV. Basis for Intended Site Deletion

The following Site summary provides the Agency's rationale for the intention to delete this Site from the NPL.

A. Site Background

The McCarty's/Pacific Hide and Fur Site is located at 3575 Highway 30 West in the northwest part of Pocatello, Bannock County, Idaho. The Site is approximately 16.9 acres in size and is bounded on the north by State Highway 30 and on the south by the Union Pacific Railroad (UPRR) right-of-way. The Site is an aggregate of three contiguous properties, currently owned by UPRR and Pacific Hide and Fur. The McCarty's part comprised approximately 8.3 acres and included a former gravel pit approximately 20 feet deep and 3 acres in area. The Site is located in an area of mixed commercial and light industrial property.

B. History

The Site was originally a small 3-acre gravel mining operation on the McCarty's property but prior to 1983 changed and expanded to a metal recycling operation on an adjacent parcel and along the railroad. The entire Site is currently used as part of the Pacific Steel Recycling business' metals storage and recycling operation.

Polychlorinated biphenyls (PCBs) were detected in the Site soil in 1983 and EPA conducted an Emergency Response Action that year to remove nearly 600 PCB-containing capacitors, about 30 cubic yards of contaminated soil, and 20 drums of miscellaneous hazardous wastes for off-site disposal. The Site was listed on the National Priorities List (NPL) on September 21, 1984, because of the PCB-containing articles and PCB contaminated soil.

Several remedial actions were conducted on the Site between 1983 and 1988 when the first EPA Record of Decision (ROD) was signed on June 28, 1988. The first ROD identified PCB-contaminated soil as an unacceptable risk to human health. Solidification and stabilization were the preferred cleanup remedies identified in the ROD. Additional investigative sampling in 1990 and 1991 lead to the first ROD being amended on April 22, 1992, dividing the Site into two Operable Units (OUs); the first OU addressing the PCB-contaminated and commingled lead-contaminated soil, and a second OU, the Final Operable Unit dealing with the remaining lead-contaminated soil. Over 15,000 tons of contaminated soil and scrap were disposed in 1992 during implementation of the first OU. The first ROD for OU1 was amended to include lead contamination of soil; the remedy was changed from solidification and stabilization to excavation and disposal off-site of PCB and commingled lead-contaminated soil.

In 1993, a Remedial Investigation and Feasibility Study (RIFS) for the Final OU (the remaining lead-contaminated soil) was conducted. The RIFS evaluated all of the data collected from the Site and the findings were incorporated into the Final OU ROD, signed on September 27, 1995.

Site cleanup objectives were to remediate the PCB- and lead-contaminated soil to meet or surpass the health-based cleanup levels for future industrial land use. The cleanup levels identified in the RODs were 25 ppm for PCB and 1000 ppm for lead. The RODs objectives were met by: (1) Removal of the hazardous materials, i.e., PCB capacitors, asbestos, battery casings, etc.; (2) removal and recycling of scrap materials that were stockpiled within areas of the Site requiring remediation; (3) excavation of soil with PCB or lead concentrations greater than the cleanup goals and treatment of the soil exceeding the RCRA-characteristic level for lead, such that the treated materials were acceptable for disposal as a non-hazardous waste; (4) disposal of excavated soil in an approved, off-site disposal facility; and (5) backfilling of excavated areas with clean soil from off-site and/or regrading of disturbed areas of the Site to the extent necessary to promote positive surface drainage and site stability and to avoid erosion problems. Solidification and stabilization of lead contaminated soils were incorporated in the soil treatment to allow disposal at a local landfill.

The PRPs requested a more comprehensive cleanup than was required by the RODs, with the intent of reducing soil contamination to levels below those which would pose any risk to human health or the environment, which is referred to as residential cleanup criteria. On April 20, 1998, EPA signed an Explanation of Significant Differences (ESD) to the Final Operable Unit ROD changing the cleanup level for lead levels in the soil from 1000 ppm (industrial use criteria) to 400 ppm (the health-based residential use criteria) and lowered the PCB cleanup level from 25 ppm to 1 ppm to meet the same criteria. The Site was cleaned up to these lower levels by excavating and removing contaminated soil above the revised cleanup levels, thereby allowing unrestricted use of the property. Based on post cleanup sampling, no hazardous wastes above health-based levels remain on-site.

C. Characterization of Risk

Prior to cleanup, the preliminary environmental pathways of concern were potential direct contact and ingestion of PCB- and lead-

contaminated soil and potential ingestion of contaminated ground water. Initially, it was not known if the groundwater had been contaminated by activities at the Site.

Remedial action began in 1983, when EPA conducted an Emergency Response Action which included the installation of ten groundwater monitoring wells to determine if Site contamination had impacted the groundwater. No groundwater contamination was identified. Further remedial actions removed approximately 37,000 tons of contaminated soil of which over 10,000 tons required treatment prior to disposal.

The initial ROD cleanup levels required removal of contaminants down to industrial use criteria which allows for hazardous materials to remain on-Site. The ESD, signed in 1998, lowered the cleanup levels to require compliance with residential health-based criteria.

With the implementation and completion of all remedial activities, the Site no longer poses any threat to human health or the environment, ensuring that no further action is required. Site monitoring wells and a domestic well have been abandoned, and, at this time, there are no other operation and maintenance activities to be performed at the Site. EPA required institutional controls are unnecessary because no hazardous substances were left on-Site above levels that allow for unlimited use and unrestricted exposure. The five-year review requirement of section 121 (c) of SARA is not applicable.

D. Public Participation

Community input has been sought by EPA Region 10 throughout the cleanup process at the Site. Information repositories were established at the Pocatello Public Library and the EPA Region 10 office. Community concern about the Site has generally been limited. Community relations activities have included several public meetings, fact sheets, and newspaper notice of the two proposed plans. A limited number of comments were received on the proposed plans for the Site. EPA's response to these comments can be found in the Responsiveness Summaries of the RODs.

A copy of the Deletion Docket can be reviewed by the public at the Pocatello Public Library, or the EPA Region 10 Superfund Records Center. The Deletion Docket includes this document, the RODs, Amended ROD, Remedial Action Construction Report, and Final Site Close-Out Report. EPA Region 10 will also announce the availability of the Deletion Docket for public review in a

local newspaper and informational fact sheet.

One of the three criteria for deletion specifies that EPA may delete a site from the NPL if "responsible parties or other persons have implemented all appropriate response actions required." EPA, with the concurrence of IDEQ, believes that this criterion for deletion has been met. Groundwater and soil data from the Site confirm that the ROD cleanup goals have been achieved. There is no significant threat to human health or the environment and, therefore, no further remedial action is necessary. Consequently, EPA is proposing deletion of this Site from the NPL. Documents supporting this action are available in the docket at the information repositories.

Dated: August 24, 1999.

Charles E. Findley,

Acting Regional Administrator, Region 10.

[FR Doc. 99-22630 Filed 8-30-99; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-1676, MM Docket No. 99-271, RM-9696]

Radio Broadcasting Services; Boulder City, NV, Bullhead City, Lake Havasu City, Kingman, AZ, Ludlow, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Centennial Broadcasting Licensee, LLC ("petitioner"), licensee of Station KSTJ, Boulder City, Nevada, requesting the substitution of Channel 274C for Channel 288C2 at Boulder City and the modification of Station KSTJ's license to specify operation on the higher powered channel. To accommodate the allotment at Boulder City, petitioner requests the following channel substitutions and license modifications: (1) substitute Channel 289C for Channel 274C at Bullhead City, Arizona, and modify the license of Station KFLG; (2) substitute Channel 272C2 for Channel 224C2 at Lake Havasu City, Arizona, and modify the license of Station KJJJ; (3) substitute Channel 224C1 for Channel 290C1 at Kingman, Arizona, and modify the license of Station KRCY; and (4) substitute Channel 273A for Channel 289A at Ludlow, California, and modify the license of Station KDUQ. We also propose to editorially amend Section

73.202(b) to reflect the deletion of Channel 286C2 at Kingman, AZ, pursuant to the *Report and Order* in MM Docket 90-468, 56 FR 43884, September 5, 1991.

DATES: Comments must be filed on or before October 12, 1999, and reply comments on or before October 27, 1999.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John S. Logan, M. Anne Swanson, Dow, Lohnes & Albertson, PLLC, 1200 New Hampshire Avenue, N.W., Suite 800, Washington, D.C. 20036 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT:

Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: Channel 274C can be allotted to Boulder City in compliance with the Commission's minimum distance separation requirements at Station KSTJ's presently licensed transmitter site, at coordinates 35-59-45 NL; 114-51-51 WL. Channel 289C can be allotted to Bullhead City at Station KFLG's licensed transmitter site, at coordinates 35-14-56 NL; 114-44-37 WL. Channel 272C2 can be allotted to Lake Havasu City at Station KJJJ's licensed transmitter site, at coordinates 34-33-06 NL; 114-11-37 WL. Channel 224C1 can be allotted to Kingman at Station KRCY's licensed transmitter site, at coordinates 35-01-58 NL; 114-21-57 WL. Channel 273A can be allotted to Ludlow at Station KDUQ's licensed transmitter site, at coordinates 34-43-21 NL; 116-10-04. This is a synopsis of the Commission's Notice of Proposed Rule Making and Orders to Show Cause, MM Docket No. 99-271, adopted August 11, 1999, and released August 20, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this